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EXAMINER

TORRES, MARCOS L

ART UNIT PAPER NUMBER

2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/500,488

Applicant(s)

KUJAWSKI, CLEMENS

Examiner

Marcos L. Torres

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9-17-07 have been fully considered but they are not persuasive.
2. As to applicant argument that the help signal in Swanson is not generated during a partial execution of a mobile radio device function; the help signal in Swanson is generated during a partial execution of a dial operation in a mobile radio device (see fig. 5 and corresponding sections of the fig.). Thereby, Swanson does disclose the above mentioned limitation.
3. Regarding applicant argument that the illumination in Glatzer has no relationship to a help signal; first, examiner did not relied on Glatzer to teach a help signal; second, it is inherent that a signal is need it to indicate which ones are the illuminated keys, otherwise the system would not know which keys to illuminate (and since it is used to illuminate to help the user identify the correct keys, it can be called "help" signal). As to applicant argument that Glatzer is only executed when a phone/computer is completely executed; it is noted that the above statement is incorrect because the illumination is during the execution rather than after the end or completion of the execution (please see the example given by the applicant that the illumination is being done during the game "partial execution", and not after the game has been finished "completely" executed), please see par. 0053-0055).
4. As to the argument regarding the combination of the references, the combination of Swanson and Glatzer would bring a device that pressing a help button would

illuminate the available keys or buttons. Thereby, helping the user to easily identify the available keys.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim recites the limitation: "wherein the visual change is a turning off of at least one button". It is unclear how turning off a button is a visual change, unless is turning off the illumination. For examination purposes the claim is being interpreted as "wherein the visual change is a turning off the illumination of at least one button. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawson US 20020141549A1 in view of Glatzer US 20050078090A1.

As to claim 5, Sawson discloses a method for outputting help information on a mobile radio device, comprising the steps of: generating a help signal during a partial execution a mobile radio device function (see fig. 5, item 105; par. 0039, 0047); processing the help signal in relation to the partially executed function; generating help information in response to the processing, wherein the help information comprises acoustic information (see par. 0036, 0047-0051). Swanson does not specifically disclose one or more signals that effect a visual change on at least one of a plurality of buttons of the mobile radio device. In an analogous art, Glatzer discloses one or more signals that effect a visual change on at least one of a plurality of buttons of the mobile radio device (see par. 0001, 0046-0055). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 6, Swanson discloses everything as explained above except for the method wherein the visual change is the illumination of the at least one button at a level that is different from the plurality of buttons. In an analogous art, Glatzer discloses the method wherein the visual change is the illumination of the at least one button at a level that is different from the plurality of buttons (see par. 0001, 0046-0055). Therefore, it

would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 8, Swanson discloses everything as explained above except for the method wherein the visual change is a turning off of the at least one button. In an analogous art, Glatzer discloses the method wherein the visual change is a turning off of the at least one button (see par. 0047-0050). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 9, Swanson discloses method wherein the acoustic information comprises voice output of a help text via a speaker in the mobile radio device (see par. 0036, 0047-0051).

10. Claims 7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sawson in view of Glatzer as applied to claim 5 above, and further in view of Hull US006720863B2.

As to claim 7, Sawanson and Glatzer disclose everything as explained above except for the method, wherein the visual change is a repeated illumination of the at least one button. In an analogous art, Hull discloses the method, wherein the visual change is a repeated illumination of the at least one button (see col. 5, lines 35-38; col. 6, lines 1-16). Therefore, it would have been obvious to one of the ordinary skill in the

art at the time of the invention to repeat the illumination for the simple and quick indication of the available keys or choices.

As to claim 10, Sawanson disclose a device function that is being partially executed (see fig. 5). Swanson and Glatzer do not specifically disclose the method wherein the help information is generated in a predetermined sequence. In an analogous art, Hull discloses the method wherein the help information is generated in a predetermined animation sequence (see col. 11, lines 3-8). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to animate the keys for the simple and quick indication of the keys function.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Application/Control Number:  
10/500,488  
Art Unit: 2617

Page 7


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres  
Examiner  
Art Unit 2617

mlt

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER